

DEC 08 2003

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **"Method and Apparatus Estimating Cell Interference and Noise for CDMA Packet Data Channels"** the specification of which:

☐ is attached hereto.

☒ was filed on July 10, 2003 as Application Serial No. 10/618,079 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a-d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Country	Number	Date Filed	Priority Claimed

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Appln. Serial No.	Filing Date	Status (pending, etc.)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Provisional Application No.	Filing Date

I hereby claim the benefit under 35 U.S.C. §§ 120 and 363 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:


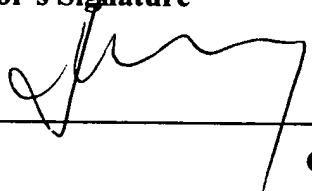
Appln. Serial No.	Filing Date	Status (pending, etc.)

As a named joint inventor, I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: **Martin J. Jaquez, Esq.**, Registration No. **38,060**, **William C. Boling**, Registration No. **41,625**, **Larry D. Flesner**, Registration No. **37,827**, all of **Jaquez & Associates**, Symphony Towers, 750 B Street, Suite 2640, San Diego, CA 92101.

Please address all telephone calls and correspondence to:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	Full Name of First Inventor: <i>(first, middle (if any), and last)</i> Qiang Shen	Inventor's Signature 	Date 10/27/03
	Residence <i>(address, city, state, country)</i> 7689 Pipit Place, San Diego, CA 92129		Citizenship Canadian
	Post Office Address <i>(address, city, state, zip, country)</i> 7689 Pipit Place, San Diego, CA 92129		
2	Full Name of Second Inventor: <i>(first, middle (if any), and last)</i> Stanislaw Czaja	Inventor's Signature 	Date 10/29/03
	Residence <i>(address, city, state, country)</i> 806 Ocean Crest, Cardiff, CA 92007		Citizenship U.S.A.
	Post Office Address <i>(address, city, state, zip, country)</i> 806 Ocean Crest, Cardiff, CA 92007		

ASSIGNMENT

COPY

WHEREAS, we, **Qiang Shen of 7689 Pipit Place, San Diego, CA 92129, U.S.A. and Stanislaw Czaja of 806 Ocean Crest, Cardiff, CA 92007, U.S.A.**, hereinafter referred to as the Assignors, are the inventors of certain new and useful improvements in a **"METHOD AND APPARATUS ESTIMATING CELL INTERFERENCE AND NOISE FOR CDMA PACKET DATA CHANNELS"**

☐ for which an application for a United States Patent is attached hereto; and

☒ for which an application for a United States Patent was filed on **July 10, 2003**, and assigned U.S. Application No. **10/618,079**; and

WHEREAS, **VIA Telecom Co., Ltd.**, hereinafter referred to as the Assignee, of c/o **CARD Corporate Services, Ltd., Zephyr House, Mary Street, P.O. Box 709, Grand Cayman, British West Indies, a British West Indies company**, is desirous of acquiring the entire right, title and interest in and to said new and useful improvements and in and to said application, and in, to and under any and all Letters Patent which may be granted on or as a result thereof in any and all countries:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, we, said Assignors, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over to said Assignee, the entire right, title and interest in and to said new and useful improvements and said application and any and all continuations, divisions and renewals of and substitutes for said application, and in, to and under any and all Letters Patent which may be granted on or as a result thereof in the United States and any and all other countries; and any reissue or reissues or extension or extensions of said Letters Patent, and assign to and authorize said Assignee, to file in our names applications for Letters Patent in all countries, the same to be held and enjoyed by said Assignee, its successors, assigns, nominees or legal representatives, to the full end of the term or terms for which said Letters Patent respectively may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by us had this assignment, sale and transfer not been made.

AND we hereby covenant that we have full right to convey the entire interest herein assigned, and that we have not executed and will not execute any agreement in conflict herewith, and we further covenant and agree that we will each time request is made and without undue delay, execute and deliver all such papers as may be necessary or desirable to perfect the title to said new and useful improvements, said application and said Letters Patent to said Assignee, its successors, assigns, nominees, or legal representatives, and we agree to communicate to said Assignee or to its nominee all known facts respecting said new and useful improvements, said application and said Letters Patent, to testify in any legal proceedings, to sign all lawful papers, to execute all disclaimers and divisional, continuing, reissue and foreign applications, to make all rightful oaths, and generally to do everything possible to aid said Assignee, its successors, assigns, nominees and legal representatives to obtain and enforce for its or their own benefit proper patent protection for said new and useful improvements in any and all countries.

DOCKET NO.: VIA-002-PAP

PATENT

Appln. No.: 10/618,079

Filed: July 10, 2003

AND we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any country or countries foreign to the United States whose duty it is to issue patents on applications as aforesaid, to issue to said Assignee, as assignee of the entire right, title and interest, any and all Letters Patent for said new and useful improvements, including any and all Letters Patent of the United States which may be issued and granted on or as a result of the application aforesaid, in accordance with the terms of this assignment.

10/27/03

Date


Qiang Shen

10/27/03

Date


Witness

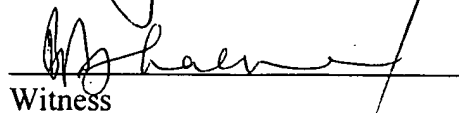
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Filed: July 10, 2003

PATENT

10/29/03
Date

10/29/03
Date


Stanislaw Czaja


Witness